



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

16
The Influence of the Feudal System on the
Formation of Political Character.

D
131
514

THE

STANHOPE PRIZE ESSAY

FOR 1863

BY

FRANCIS HENRY JEUNE *Junior*

SCHOLAR OF BALLIOL *St. Helier*



OXFORD

T. AND G. SHRIMPTON

1863

1

The Influence of the Feudal System on the
Formation of Political Character.

THE
STANHOPE PRIZE ESSAY
FOR 1863

BY
FRANCIS HENRY JEUNE *Francis Henry Jeune*
SCHOLAR OF BALLIOL *St. Mary's*

Hanc patriam nobis peperere.

OXFORD
T. AND G. SHRIMPTON
1863

OXFORD :
BY T. COMBE, E. PICKARD HALL, AND H. LATHAM,
PRINTERS TO THE UNIVERSITY.

Libr.
Black.
3-7-41
42314

The Influence of the Feudal System on the Formation of Political Character.

Hanc patriam nobis peperere.

1444/145.
“ ‘ I REJOICE to see it,’ said Dr. Arnold, as he stood on one
“ of the arches of the Birmingham Railway and watched the
“ train pass on through the distant hedgerows ; ‘ I rejoice to
“ see it, and to think that feudality is gone for ever. It
“ is so great a blessing to think that any one evil is really
“ extinct.’ ” Such doubtless is the feeling with which the
feudal system must in itself be regarded. Its evils were many,
and the farther time removes them the more they are viewed
with dislike ; because a state of society continually improving
has continually less in common with the ideas of feudal times.
But the feudal system played its part, and that a mighty
one. It solved the problem of government under circum-
stances totally new. It resulted in a condition of affairs
which admitted of change and improvement. And it implanted
in nations a character in harmony with such a condition, a
character in which there were some elements favourable to
development, and some by which development was prevented
from proceeding too rapidly.

Political character is equivalent to character as shown in
politics, that is, in political acts and political sentiments.
This would perhaps be a sufficient definition of the political
character of an individual. But in the case of a nation we

^a Stanley's Life of Arnold, vol. ii. p. 347.

need something more. A nation does political acts as an individual does. But this is not all. It stereotypes its acts into institutions. A man may vote for a Reform Bill, that is a political act; a nation may clamour for a Reform Bill, that is a political act also. But a nation may pass or compel its rulers to pass, (which is the same thing as far as the character of the nation is concerned,) a Reform Bill, and in that Bill and in certain of its results there remains a permanent manifestation of character. As from the generalization of the political acts of an individual we form our idea of his political character, so from the generalization of the political institutions of a nation we in a great measure form our idea of the political character of a nation.

The one great political institution of a nation, its form of government, is in itself the result of many smaller institutions and the summary of their spirit; and it is therefore possible to deduce from it alone the main political characteristics of the nation. To know that a people is held down by an Eastern tyranny is to know also the chief features in its political character, to see that they are such as could not coexist with Western imperialism, with constitutional freedom or democratic license. There is of course action and reaction. The national character which exists under any form of government is maintained by it. If such government were imposed by force, it might mould a character before different to harmony with itself. But if in any historical case it were observed not to have been imposed, but to have grown out of a previous state of things, the conclusion must be, that that state, while it gave rise to the form of government, gave rise also to a corresponding national character.

It might at first sight appear that this view of the influence of a state of society on those succeeding it, was not borne out by the history of the Feudal System. Nothing is more remarkable in that system than its universality. It pre-

vailed almost in the same form in England, France, and Germany. In each of these countries the same laws were enforced, the same political relations recognised between the various classes of society. Feudalism even carried with it its own peculiar language. Nor was it less supreme than universal. Every political institution was moulded to at least an outward conformity with it. Duties social and political apparently most distinct from it were enforced on its principles. Lands and corporations were invested by it with a sort of personality. Even the Church fell into the spirit of the times, paid her masses as a regular compensation for the layman's military service, and borrowed the jargon of feudalism to call mankind vassals of a Supreme Suzerain. If then feudalism was thus universal and thus supreme, it might appear strange, that in the three nations in which it was established it gave birth to three different forms of government, perhaps as many as was possible. A Constitution, a Despotism, a Federation, were in England, France, and Germany, alike the results of feudalism; and, different as they were, sprang from a source apparently the same. What then amid this diversity of governments and institutions was the common political character which feudalism formed, and by what circumstances it was modified in the case of these different nations, is the problem which the feudal system viewed in this light presents.

The leading fact of the feudal system was the tenure of land on certain conditions existing mutually between the lord and the vassal. Tenure somewhat similar, and even on the terms of military service, had existed in the Roman colonies, and indeed in a more perfect form among the tribes of Scythia. But the resident feudal lord owning the land around his castle, which was cultivated by vassals who paid him with their service, represented an historical period and a class new to the history of the world.

The absence of domestic slavery would in itself have been sufficient to prevent the new world from being a repetition of the old. In modern times the disturbing element has been the lowest class. The upheaval from below is more dangerous than any changes on the surface. But a slave country has no such lowest class. The greatest social and political problems of modern days never rise for solution in it. The whole mass of its people creates an upper, and therefore to a certain extent an equal class. Such a class must either govern or be governed as a mass. If it is found in a nation which is centralised in a city, it forms the plebs of Rome or the demos of Athens; if it becomes a nation and not an imperial city, it must submit to a Cæsar. For the modern world, for nations which were nations from the beginning, ancient freedom was an impossibility. Not so however ancient tyranny. And feudalism was the cause which saved the modern world from ancient tyranny.

A close connection between possession of land and possession of power implies local government. In the feudal system the connection was as close as possible, for the limits of the land possessed were also the limits within which the power was exercised. It cannot be denied that in one sense national life was crushed under such a system. But in the feudal ages a development of national unity could have been effected only by the one central government possible, a tyranny. The isolation of local government gave independence to an extravagant extent to the individual. An action the reverse of that of advanced civilisation took place. It was not that

The individual withered and the world was more and more ;

but habits of independence, of political originality, were planted in the individual, and national life was held in abeyance.

It was not only by the connection of power with the soil that

this independence was necessitated and encouraged. It harmonises with all the institutions of feudalism. The society of the Middle Ages has been blamed most frequently for its rude notion of justice and its barbarous method of enforcing it. Those institutions, even when apparently most at variance with modern ideas of justice and common sense, tended to strengthen individual character. To be estimated fairly they must be judged of in connection with the circumstances of the age. Even in the trial by ordeal, which to us seems irrational, there was more reason than at first sight appears. Such methods point to a justice, unskilful indeed, but not perverted. If questions difficult for common sense to solve arose in a semibarbarous people, despotic power or corrupt judges would doubtless have easily settled them; but it was at least a step in advance to admit the difficulty or impossibility of solution, and to appeal to a power which a superstitious age believed would be exercised at the call of man. It was a step in advance, and implies a different spirit in a nation. It implies abstract notions of justice and personal right, and a desire to act up to them by some method however imperfect.

It is indeed remarkable how far the ideas of feudal times were superior to their practice. It is sometimes even difficult to reconcile the two. It is difficult to believe that the equitable principles and high-sounding terms of Magna Charta, or the Establishments of St. Louis, were not at variance with the spirit of their age. Louis le Hutin could proclaim, that "according to the law of nature each must be born free; . . . that we, considering that our kingdom is called the kingdom of the Franks, wish that the thing should truly accord with the name:" but these high principles did not prevent him from ordaining in the same breath that "fitting compensation" should be paid for this natural freedom. We might fancy that words so contradicted by acts

were mere formulas. But the gradual emancipation of the serfs proves that the belief in the injustice of slavery was powerful enough to do more than cause Royal Proclamations. The better spirit of feudalism was also reflected in chivalry, which, whatever may have been its abuses and extravagance, could never have derived its power and its dignity from the mere love of novelty or display. It is not indeed in estimating the present condition of any state of society that the spirit of an age is to be regarded rather than its practice. But it is in estimating the effect of a state of society on succeeding times. In a nation, to admit right is to begin to follow it. Nor is it impossible that the evil of an age should pass away with it, its good remain to influence time to come. Of this chivalry again furnishes an example. The evil of it has departed, the good has remained. Its acts of courage and of oppression belong alike to the past. The lists before the castle walls are gone, and the oubliette is gone ; but time has separated the heroism displayed in the one from the cruelty which planned the other, and made the evil detestable by depriving it of the lustre which it had borrowed from the good. It is said that the sandal tree imparts its fragrance to the axe by which it is cut down. This is no inapt image of the influence of chivalry on those lower classes, before whose rise the oligarchy of chivalry disappeared. And so too it was with the general effect of the spirit of feudal times. The superiority of their principles to their acts was all gain, as far as regarded the times that followed. The period of feudalism in which justice was honoured, at least in words, was far more hopeful for the future of mankind than that period of Athenian dominion, in which, while Athens had attained her greatest external dominion, the tone of political morality was insensibly lowering, and the spirit of Athenian chivalry may be said to have departed. The one period pointed to progress, the other to decay.

It is right to remember this difference between the spirit and practice of feudalism, in observing that system of slavery which existed in feudal times. No such absolute line of demarcation separated the slave from the freeman, as in the ancient world. No doubt there were serfs whose condition was practically little better than that of Roman slaves. But theoretically the slaves of Gallus were very different from those even of Bertrand du Guesclin^b. And the peculiarities of feudal slavery make a great difference in its political effects. It was not necessarily degrading to the master. Theory thought of the serf not as mere property, but as a dependent *ascriptus glebæ*; not as a being of a separate and degraded caste, but as belonging to the last of a series of classes. That it was so in England is proved by the fact, that without intervention of law^c the serfs passed into peasants. In France many serfs refused to avail themselves of Louis le Hutin's proclamation. In every country the Church and the Free towns afforded opportunities of freedom, such as could not have coexisted with Roman or American slavery. Now, social and absolute slavery has a double effect on political character; the one direct, by immediately affecting political institutions; the other, which acts partly through moral influence, by giving rise to certain ideas. The former creates a nation of masters, the latter renders them such that they are themselves capable only of certain political institutions. Neither such effect had feudal slavery. The result of its not having the first was mentioned above;

^b "Long after the reign of Louis X. several of the French nobility continued to assert the ancient dominion over their slaves. It appears from an ordinance of the famous Bertrand du Guesclin, constable of France, that the custom of enfranchising them was considered as a pernicious innovation." Robertson's Charles V. Proofs and Illustrations (20).

^c That is regular legal ordinance, as affecting a class. There are instances of emancipation in individual cases even by Henry VIII. (Rymer, *Fœdera*, xiii. 470.) in 1514; and Elizabeth (Rymer, *Observat. on Stat.* p. 250.) in 1574.

it may now be added, that, as it had not the second, it did not destroy those ideas of personal right and independence which are characteristic of the feudal system.

Such ideas might appear hardly consistent with the hereditary succession of property and authority natural to feudalism. In those ages of monarchy in France which preceded the feudal system, it is doubtful to what extent the hereditary principle was acknowledged. But in the feudal times it prevailed to an extent the world had never known. Not only did it apply to rank and possessions, but with them power was legally and inseparably connected. In one sense, as we shall see, the transmission of power did counteract the influence of personal independence. Had it been absolute and unmodified, it must have brought the minds of men to regard absolute monarchy as the natural form of government. But it lay at the root of feudalism, that power was limited by its obligations. In theory, and indeed in practice, the hereditary principle never obliterated the reciprocal rights of lord and vassal, whether the lord was king or baron.

The oath of homage was no mere compulsory form. It meant of course that the mutual contract was renewed with each generation. It kept alive therefore the idea of a contract and of mutual rights; it preserved the original spirit of feudality. The same principle, that consent was necessary to a contract, was admitted in feudal legislation. It was a feudal maxim, often perhaps violated but still testifying to the spirit of feudalism, that "no one was bound to obey laws to which he has not given his consent." When Gurth renounced his master Cedric, he was in truth threatening what more powerful dependents sometimes accomplished. The Establishments of St. Louis distinctly provide for resistance to feudal authority under certain circumstances. In a clause of Magna Charta, in which the tone of self condemnation is almost ludicrous, John granted his barons leave "to

harass us by all the means by which they are able if we, or our justiciary, or bailiffs, or any of our officers, shall have injured any one in anything, or shall have violated any article of peace or security." And the count of Brittany formally renounced the homage of the regent during the minority of St. Louis. Such cases show that hereditary transmission of power did not free that power from obligations.

Again: authority, hereditary or not, cannot be so despotic as to crush individual independence, unless its rights and powers are in theory unbounded. Great the feudal authority may have been, but unbounded it never was. Every vassal who took an oath of homage knew the precise extent of the rule to which he was subjecting himself. Power, bounded by a certain limit, implies actual freedom beyond that limit; and its moral effects, and therefore effects on character, are out of proportion to its actual effects. For the love of freedom, and the determination not to lose it, do not vary as the amount of freedom possessed, provided that some be possessed; indeed they are felt most strongly where the actual freedom enjoyed is but little.

The spirit of independence in feudalism tended to form a character favourable to political progress. But in the hereditary principle there are elements whose influence was different. Modified as that principle was by the necessity of consent on the part of the vassal, it must still have had no small power in leading men to regard authority as something natural and transmissible. Hence, and from the social spirit of the family, arose the political spirit of Loyalty. For loyalty honours a ruler, not because he is supposed to derive authority from a Divine source,—loyalty is not felt towards a Pope; not because he is the chosen of the people,—loyalty was not felt towards Cleon; but because the right to rule has descended to him from his ancestors. Some reason in loyalty there must be, else the feeling becomes that of subjects towards an eastern

despot. And the loyalty of feudal times was prevented from degenerating into abject submission by the mutual dependence of those who were connected by the feudal tie.

This mutual dependence arose of course from the necessity of the case. It derived its strength not so much from the inherent nature of feudalism, as from the circumstances under which feudalism existed. Surrounded by powerful and ready enemies, the lord had constant need of armed and faithful vassals. It must have been difficult to oppress men with arms in their hands, and unsafe to render service unwilling or worse than unwilling. And the vassal had not less need of the lord. The danger which threatened his lord's castle threatened his own farm and cottage. He could scarcely but feel gratitude and regard towards a leader who had avenged his losses, or enabled him to despise his enemy.

Loyalty transferred from persons to things becomes reverence for law and order. This quality, above all others, is called the characteristic of the Roman race. It might however be doubted whether, when springing out of the Northern character, and nursed by Feudalism, it was not fully as strong as when developed by the stern Republic. It may in the two cases have been different, as its sources were different. In the ancient world it may have had more of reason, in the modern more of sentiment. But the spirit which made Cicero approve the murder of the Gracchi, was in essentials the same as that which made the Long Parliament maintain the form of acting under the king's authority, even when waging war against him.

There springs from this another observation which would seem to contain a truth, although perhaps not the whole truth. In the ancient world one nation has been remarkable for its imperial character, one for the absence of that character. The phrase *τὰ ἐπὶ Θράκης*, as indicating the nature of the Athenian dominion, could never have had a counterpart

in Roman history. With the Romans, to set foot on a country was to penetrate to its heart, to rule it, to remould its institutions, laws, and character. In the modern world two nations have had this character in an eminent degree, the English and the Turks; one has not had it, the French. It may be true in the character of peoples as of individuals, that to be able to obey is to be fit to rule. If this be so, what reverence for constitutional order did for the Romans, reverence for the dogmas of a political religion may have done for the Turks. On the same principle, feudalism, implanting a spirit of obedience, may have made the English an imperial people. The deduction would seem to be, that the same influence did not act on the French to produce a similar character.

And such a deduction would be in the main true. Directly we pass to the region of fact, we find it difficult to trace in every nation alike what theory would seem to point out as the natural effects of the feudal system. It was no doubt owing in part to feudalism itself, that the nations of modern Europe, similar as they were once, developed so differently. This effect might seem strange. For as intense national unity must of course cause individual national development, as it did in the states of Greece, it might appear that feudalism, opposed as it was to national unity, would have been likely to form the character, not of separate nations, but of the whole feudal body at once, making one nation little different from another. But the truth appears to be, that the isolation which feudalism caused among nations made them develop perhaps more slowly, but more variously. And this isolation arose actually from the want of internal unity in nations. Feudal nations were sufficiently united to have life in themselves, but not sufficiently to act on each other. Their character may be seen in their wars. Agincourt and Cressy were battles not of the English against the French, but of

two great feudal lords against each other. The first national war gave birth to the Renaissance. And by the time of the Renaissance the nations of Europe had formed their separate characters, and advanced already far on the paths of individual development.

But the feudal system could not of course have formed different political institutions in different nations, had its influence been exerted in each case on similar materials. In itself it may have been the same in England, France, and Germany. But the circumstances of its origin were different, and that difference, concealed for a time under its universality, reappeared as its forms passed away. It has been observed by M. Guizot, that in Germany the system of feuds grew naturally out of that of patriarchal tribes. It was likely therefore to harmonise with the nature of the people; and to transmit a national character, similar to that which existed before its rise, and of which it was itself the embodiment. In France, the feudal system originated in conquest. When its time came to prevail, it rose as a rude mass composed of the ruins of a fallen empire. In England at least its form was imposed from without.

In Germany therefore should be found the purest type of the character produced by the feudal system. In that country it gave rise to a constitution which was admirably adapted to preserve its spirit, because it did not seek to render it compatible with centralised government. There have been periods in the history of every modern nation in which the encroachments of despotic power have been brought face to face with the spirit of independence left by feudalism. And Germany, like the rest, passed through her time of ordeal. Perhaps no monarch of his time was more despotic than Henry the Third. But none of his successors inherited his power; and it was the reaction consequent on his ambitious attempts that gave his son over to the implacable hostility of Hildebrand, and raised up in Rudolf a formidable rival to the imperial throne. It is

scarcely possible to doubt that the steady resistance of the Germans to the advance of despotic power sprang from sentiments of independence and self-restraint in the political character of the nation. It was no doubt the aristocracy, not the people, by whom the emperors were opposed. Their merit was not that of independence, but of self-restraint. For had their elevation estranged them from the mass of the people, had they become like the nobles of France, the emperors would doubtless have played the part of the Capetian dynasty. The regular gradation of classes, the characteristic of feudalism, once broken, despotic power never fails to make one section its tool, to enslave both. The people of Germany were perhaps never actually united with the nobles to oppose a superior power. But there is a proof of their independent spirit in the establishment of the Free towns. Indeed, the circumstances of the rise of municipal bodies in England, France, and Germany, contain an epitome of the differences between the three nations. In the case of the German towns there are two facts equally suggestive: the one, that without any violent collision, but by a process so gradual that the period of the consummation of their rights cannot be precisely determined, they won their way to a recognised equality with the Electors and Princes; the other, that, although naturally opposed to the feudal lords and allied to the imperial power, they never, like the French towns, played the one against the other to purchase a present triumph at the price of certain future subjugation. Nor indeed do the Emperors appear to have pursued any such policy with respect to the towns as is ascribed to Louis the Eleventh. Henry the Fourth found in Worms and Cologne his best friends, and by his son some of their most important privileges were granted; but such alliance between the towns and the Emperors was not invariable. The Golden Bull appears to point rather to a combination between the Emperor and the nobles, as well in the clauses of it which increased the dignity of the

Electors as in those which directly checked the pretensions of the Pfahlbürgers. There would seem to have existed in Germany the same gradation and balance of classes, the same spirit of liberty combined with reverence for law, as we are in the habit of ascribing to England. And it is probable that in the two countries these similar characteristics arose from similar causes.

To the German element in the English character Sir James Stephen has ascribed the difference between the French and English monarchies. There can be little doubt that feudalism, when introduced by the Normans, found a national character which harmonised with it, and that many Saxon institutions changed only their names at the Conquest. This fact is important rather in estimating the extent than the nature of the influence of the feudal system. But it is dangerous to argue from an intrinsic difference in character between the French and English nations in ante-feudal times to the greater freedom enjoyed by England centuries after the feudal system had passed away. The history of the two peoples is too similar to have had so vast a cause of difference. The barons of John must have had almost as little of the German character as their contemporaries in France. And before the time of John, England rather than France was the home of despotic power. Nor have there been wanting periods in the history of France, when the question whether feudality was to pass into despotism or constitutional government fairly arose, and when either solution was possible. The remonstrances of the States General to the Dauphin in 1356 are as firm and dignified as those of the early parliaments of Charles the First. And a century later the States of Tours made a final stand against arbitrary taxation, not the less courageous because it was ineffectual.

But directly we compare these and similar periods of resistance with those corresponding to them in English history, we

are brought to a fundamental difference. From the maturity of the feudal system to the culmination of despotism the history of France is that of one noble gaining supremacy over his fellows. England during the same period was engaged in limiting the power of rulers, the first of whom was almost absolute. Doubtless the tendency of neither nation acted regularly. Constitutional principles may seem to have been peculiarly strong under Edward the Third, and to have waned under Henry the Seventh; and the tyranny of Louis the Eleventh caused a reaction in the reign of his son. But the direction of the tide is not to be learned by regarding single waves.

In France the feudal system took at first the form of a confederacy from the circumstances under which it arose. We need not enter into the multiform causes which converted this confederacy into a despotism. There is however one, and perhaps the most important, cause which gives an insight into the national character. There were periods when the States General were fully as powerful as the English Parliaments. They represented the people as truly; their dislike of arbitrary taxation was not less strong. But the cause of their failure was that they represented the people alone; that people and nobles never stood side by side to resist their common enemy, despotism. The cause of this isolation of the nobles it is easy to see. "It seems impossible to doubt," says Mr. Hallam, "that the barons of France might have asserted the same rights which those of England had obtained, that of being duly summoned by special writ, and thus have rendered their consent necessary to every measure of legislation." Had they done so the fortunes of France would have been different. But they must then have recognised the supremacy of the crown. And because they would not, perhaps originally could not, recognise it, because that power was at first so little elevated as to be their rival, it isolated them when wielded by Louis the

Eleventh, assailed them by municipal, by judicial, by legislative encroachments; crushed them when wielded by Richelieu; from first to last rendered them odious to the people, and finally joined them with itself in ruin at the hands of the people. Such a caste as the French nobility became, destroyed that gradation of classes which was the natural result of the feudal system. It played into the hands of despotism by fostering in the minds of the people the idea of an impassable gulf between themselves and their rulers. That idea is opposed to the spirit of loyalty, for the ruler becomes a tyrant; and to the spirit of independence, because a government which partakes of the paternal character as to the ruler, imparts a childish character to the subject.

Thus then the feudal spirit retired before its natural enemy, despotism. When despotism culminated under Louis the Fourteenth, there was truly little in the character of the French people which could be traced to feudalism. It is possible indeed that the complex system of judicial legislative and administrative government which he boasted, and with truth, to have been centered in himself, may from its far off origin in feudal times have brought down something of feudal independence. There was, no doubt, latent opposition, which broke out when his controlling hand was removed. But was that opposition, and the revolution which developed out of it, more than the natural fruit of misery not yet brutalised into apathy? Was it more than the subjects of Xerxes, if surrounded by nations more free than themselves and living in an age of progress, might have accomplished? Much of the form of feudalism had certainly disappeared. Land subdivided into small freehold properties implies democracy or despotism, but nothing of local government, nothing of feudal character. And what of the form of feudalism had not passed away shows how thoroughly its spirit had departed. M. de Tocqueville has traced the causes of the French Revolution to

the existence of part of the form and the absence of the spirit of feudality. Of the feudal contract there remained only the payment. There were *corvées* innumerable, but no protection needed or granted. The external cause of the English Revolution was the oppression of taxation; the moral cause, ideas of legal rights: the external cause of the French Revolution would seem to have been the burden of feudal obligations; the moral cause, philosophical conceptions of ideal freedom—a spirit the reverse of feudal. The failure of a Constitution which followed, shows that a nation cannot long endure a government which does not accord with its political character. And if it be the fact, and it appears to be so, that constitutional government demands in a people a character imbued with the feudal spirit, it would follow that nothing of that spirit animated the French Revolution, or existed after the revolutionary violence subsided.

Union between the aristocracy and people has in England been the immediate cause of freedom. Its effects are written in the most glorious pages of English history. They may be traced in every instance where the question of liberty has been at stake; in the Parliaments of Charles the First, in the resistance to the extravagance of Henry the Eighth, “when the hoarse voice of the people, speaking in the language of sedition,” saved the nation from tyranny, in the opposition to the ambition of the Plantagenets. Magna Charta bears the strongest evidence to its reality; and the clauses which indicate it are the more remarkable, because they form the great difference between the charter of our rights and the General Privilege of Arragon which has been termed “a more full and satisfactory basis of civil liberty than our own.” If another instance of this sympathy between the upper and lower classes were necessary, it might be found in the origin of the independence of municipal bodies. In France towns obtained their freedom from the poverty of the nobles or the

fatal favour of the crown; in Germany they won it from the nobles by their own efforts; in England alone the nobles proved their friends.

The original cause of this union between the governors and the governed is to be found in the peculiar form in which feudalism was introduced. There never was a time when the feudal system in England did not partake of the character of a monarchy. But the ambition of the first feudal monarch was the first of the causes which impaired the power of his successors. Borrowing a Saxon tradition, he made every vassal dependent directly on himself. Whatever may have been the effect of this and similar acts in extending his own royal authority over the people, it did so probably at the expense of alienating the nobles. In the reign of Henry the Second the earls had become the rivals of the crown; and England was in danger of disruption into petty principalities, differing from those of Germany only by their greater insignificance. That England was spared such a fate is due to Henry's vigour and success. His war against the earls destroyed their preeminence. The whole class of nobles, thus rendered equal, and inferior to himself, became united, and united against him. It was natural therefore that they should combine with the people to restrain a power which threatened all alike.

The immediate results of this union, the first bright promise of English freedom, were seen as soon as the weakness of a king gave resistance hope of being successful. And it is owing to it also that England, unlike Germany, retaining her unity, unlike France, retained the impress of the feudal system on the political character of her people.

What the nature of that character was, and how the different principles of the feudal system contributed to form its composing elements, has been already indicated. It would be an endless task to trace in the complex institutions

of England the material embodiment of the political qualities of her people. But there are in our country some fundamental institutions derived from feudal sources, and supported by a feudal spirit. A few words will point them out.

The system of tenure of land in large properties, combined, as it must be, with local government, has descended directly from feudal times. It is no mere figure of speech to call that system characteristic of England. It had, as has been shown by M. de Tocqueville, passed from France even before her Revolution, because it was alien to the character of the French people. And the Revolution not only swept it finally from France, but by its influence tended to destroy it in other continental countries. It is a significant fact, that where the land was not held by peasant proprietors, there alone spread the revolutionary contagion. It is not necessary to compare the advantages of the two systems of tenure of land. But one thing appears certain, that the contest between them is identical with that between Constitutionalism and Imperialism. ✓

Government by Representation is an institution which implies the same characteristics in the lower and middle classes, as that of tenure of land in large properties does especially in the upper. The two institutions are not indeed connected in the nature of things, but their origin was the same. The true principle of Representation is to be found in the personality with which feudal ideas invested corporate bodies. Viewed in this light, the Representative differs essentially from the Delegate. The one embodies in himself the interests and feelings of those he represents, the other is the bearer of certain definite commissions. Doubtless the two characters pass into one another; but in theory, and in the main in practice, they are distinct. It would seem that true representation can coexist only with constitutionalism. Under imperial government representation is little better than a

